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| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/685,698 | YAMAZAKI ET AL. | |
| | Examiner | Art Unit | |
| | Laura M. Schillinger | 2813 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/17/06.
2. ☒ The allowed claim(s) is/are 3,9,15 and 47-49.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>11/10/05</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 11/10/05 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e).

[(e) A statement under this section must state either:

(1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

(2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(e) more than three months prior to the filing of the information disclosure statement.]

It has been placed in the application file, but the information referred to therein has not been considered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Murphy on 02/18/06.

The application has been amended as follows:

Cancel claims 1-2, 4-8, 10-14, 16-46, 50-55.

Allowable Subject Matter

Claims 3, 9, 15, 47-49 are allowed.

Applicant's certified foreign translation has entitled the Applicant to his foreign priority date and therefore the Examiner's prior rejection based on Yamazaki et al ('887) is overcome.

In reference to claims 3 and 47, Miyashita et al (Japanese publication 10-153967) teaches a device comprising:

a pixel portion having a plurality of gate wirings (Fig.7 (511)), a plurality of source wirings (Fig.8 (601)) intersecting said plurality of gate wirings (Fig.8 (602)), a plurality of banks (Fig.6 (405)) provided over said plurality of gate wirings (Fig.7 (511)), at least one thin film transistor surrounded by said plurality of gate wirings and said plurality of said source wirings (page 8, [0135, 0141], and an EL element electrically connected to said thin film transistor (page 8, [0135], 0139-0140)), wherein said pixel portion comprises a plurality of pixel rows (502, 503, 504) divided along said plurality of banks (Fig.7), and wherein said plurality of pixel rows comprise a first pixel row in which a red light emitting layer is formed (502), a second pixel row in which a green light emitting layer is formed (503), and a third pixel row in which a blue light emitting layer is formed (504) and wherein each of the plurality of pixel rows comprises at least one pixel and a light emitting layer covering the one pixel (Fig.7 502, 503, 504)).

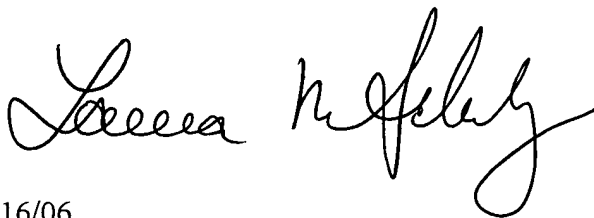
However, Miyashita et al fails to teach nor suggest Applicant's additional claimed limitation wherein each one of the plurality of pixel rows comprises at least *two* pixels and a light emitting layer covering the *two* pixels. Consequently, claims 3 and 47 contain allowable subject matter. The remaining claims are dependent upon claims 3 and 47 and act only to further narrow the allowable subject matter and therefore all claims are in condition for allowance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Schillinger whose telephone number is (571) 272-1697. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W. Whitehead, Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura M Schillinger
Primary Examiner
Art Unit 2813

02/16/06